

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

JERALD C. JAMES,

Petitioner,

Case Number: 09-10929

v.

HONORABLE AVERN COHN

BLAINE C. LAFLER,

Respondent.

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**ORDER DENYING MOTION FOR CERTIFICATE OF APPEALABILITY**

This is a habeas case under 28 U.S.C. § 2254. Petitioner Jerald James (Petitioner), a state prisoner convicted of first and second degree murder, felon in possession of a firearm, and felony firearm, is serving a life sentence and a substantial term of years. The matter was referred to a magistrate judge for a report and recommendation (MJRR). The magistrate judge issued a MJRR recommending that the petition be denied and a certificate of appealability also be denied. Petitioner objected. The Court overruled Petitioner's objections to the MJRR, adopted the MJRR, denied the petition, and also denied a certificate of appealability. See Memorandum and Order filed September 16, 2010 (Doc. 20).

Before the Court is Petitioner's motion for a certificate of appealability. (Doc. 26). Because the Court has already denied a certificate of appealability, the motion is moot. Moreover, construing Petitioner's motion as a motion for reconsideration, it is DENIED.

See E.D. Mich. LR 7.1(h)(3). As explained in the September 16, 2010 decision, Petitioner is not entitled to a certificate of appealability on any of his claims.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: October 21, 2010

I hereby certify that a copy of the foregoing document was mailed to Jerald James, 185721, Carson City Correctional Facility, P.O. Box 5000, Carson City, MI 48811 and the attorneys of record on this date, October 21, 2010, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160